

By: Canales

H.B. No. 2679

A BILL TO BE ENTITLED

AN ACT

relating to the use of certain previous convictions for enhancing the penalty for certain subsequent offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.415 to read as follows:

Sec. 12.415. CLASSIFICATION OF CERTAIN PREVIOUS OFFENSES FOR PURPOSES OF SUBSEQUENT ENHANCEMENT. (a) This section applies only to an offense for which the penalty was enhanced as the result of a previous conviction under the terms of a provision other than a provision under this subchapter.

(b) A defendant's conviction of an offense described by Subsection (a) may be used to enhance the penalty for a subsequent offense for purposes of this subchapter based only on the class or degree of offense otherwise applicable to the offense described by Subsection (a) if the state had not proved the previous conviction.

SECTION 2. The change in law made by this Act applies only to the enhancement of punishment under Subchapter D, Chapter 12, Penal Code, for an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense

1 occurred before that date.

2 SECTION 3. This Act takes effect September 1, 2017.